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137402.1

KALOW & SPRINGUT LLP  
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To: COMMISSIONER FOR PATENTS

Fax No.: (571) 273-8300

From: Tor Smeland, Esq.  
Reg. No. 43,131  
Attorney for Applicants

Date: December 22, 2006

Pages: 7 (including cover page)

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Re: Applicant: MUSSMANN *et al.*  
Appl. Ser. No.: 09/931,162  
Filing Date: August 17, 2001  
Request for Withdrawal of Erroneous Abandonment

Transmitted Herewith:

- Request for Withdrawal of Erroneous Abandonment

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Certificate of Transmission Under 37 C.F.R. 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. (571) 273-8300 on the date shown below.

  
(Signature)TOR SMELAND  
(Printed Name of Person Signing Certificate)DEC 22, 2006  
(Date)

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129273.2

PATENT

DEC 22 2006

13326US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MUSSMANN *et al.* Examiner: STRICKLAND, J.N.  
Serial No.: 09/931,162 Group Art Unit: 1754  
Filed: August 17, 2001  
For: Oxygen storage material based on cerium oxide, a process for its  
preparation and use  
Customer No.: 23719

Kalow & Springut LLP  
488 Madison Avenue, 19th Floor  
New York, New York 10022

December 22, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR WITHDRAWAL OF ERRONEOUS ABANDONMENT

Sir:

This is a request for withdrawal of abandonment in this application, on the ground that the United States Patent and Trademark Office erroneously abandoned this application. This Request includes a statement of the reasons that Applicant is entitled to have the abandonment determination rescinded.

Certificate of Transmission Under 37 C.F.R. 1.8

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(Signature)

TOR SMELAND

(Printed Name of Person Signing Certificate)

DEC 22, 2006

(Date)

Applicant: MUSSMANN *et al.*  
Appl. Ser. No.: 09/931,162  
Filing Date: August 17, 2001  
Request for Withdrawal of Erroneous Abandonment  
December 22, 2006  
Page 2 of 3

1. This Application is erroneously marked as abandoned in the records of the USPTO. A Notice of Abandonment purported mailed December 19, 2005 (see attached) to the undersigned attorney's law firm is entered in the application's file history, but was never received by the addressee at the undersigned attorney's law firm. Further, the Notice of Abandonment erroneously indicates that the issue fee in this application has not been paid. The issue fee was paid as reflected by the PAIR entry for this case of April 4, 2005. Accordingly, Applicants request withdrawal of the unsent Notice of Abandonment and requests that the USPTO process this application to issue.

2. Applicants submit that no petition fee is due for this request, since the issue fee was paid, and the purported Notice of Abandonment (never received by the undersigned Applicant's attorney) dated December 19, 2005 alleges abandonment for failure to pay the issue fee. The issue fee, due on March 30, 2005, was paid by Applicants, and accepted by the USPTO, by Issue Fee Transmittal dated March 30, 2005 (attached). Thus, the issue fee in this application was timely paid. Accordingly, the application should not be deemed abandoned for failure to pay the issue fee.

3. This application was previously erroneously abandoned by the USPTO. That erroneous abandonment was withdrawn by the March 29, 2005 Decision on Petition to Withdraw Holding of Abandonment.

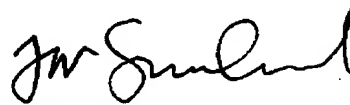
4. Applicants request that the erroneous abandonment of December 19, 2005 be rescinded and the application be processed to issue.

No fee is believed to be due with respect to the filing of this Request. If any additional fees are due; or an overpayment has been made, please charge, or credit, our Deposit Account No. 11-0171 for such sum. If the Examiner has any questions regarding

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December 22, 2006  
Page 3 of 3

the present application, the Examiner is cordially invited to contact Applicant's attorney  
at the telephone number provided below.

Respectfully submitted,



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Tor Smeland  
Registration No.: 43,131  
Attorney for Applicant

Kalow & Springut LLP  
Telephone No.: (212) 813-1600



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,162	08/17/2001	Lothar Mussmann	33766W039	1475

7590

12/19/2005

David A. Kalow  
Kalow & Springut LLP  
488 Madison Avenue  
19th Floor  
New York, NY 10022

EXAMINER

STRICKLAND, JONAS N

ART UNIT

PAPER NUMBER

1734

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notice of Abandonment</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/931,162		Mussmann	
	<b>Examiner</b>		<b>Art Unit</b>	
	STRICKLAND		1754	

**— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—**

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

slk

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

complete and send in form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or Fax (703) 746-4000

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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590

12/30/2004

David A. Kalow  
Kalow & Springut LLP  
488 Madison Avenue  
19th Floor  
New York, NY 10022



Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

Director TOR Smealand (Depositor's name)  
Tor Smealand (Signature)  
March 28, 2005 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/931,162

08/17/2001

Lothar Messmann

15926

1475

TITLE OF INVENTION: OXYGEN STORAGE MATERIAL BASED ON CERUM OXIDE, A PROCESS FOR ITS PREPARATION AND ITS USE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional

NO

\$1400

\$300

\$1700

03/30/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
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STRICKLAND, JONAS N

1754

502-304000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Kalow & Springut LLP

2. \_\_\_\_\_

3. \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Umicore AG &amp; Co. KG

(B) RESIDENCE (CITY and STATE OR COUNTRY)

Hanau-Wolfgang, Germany

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

☒ Issue Fee☒ Publication Fee (No small entity discount permitted)☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

☒ A check in the amount of the fee(s) is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 11-0171 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Date

March 28, 2005

Typed or printed name

Tor Smealand

Registration No.

43,135

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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